

DATE: May 16, 1990

TO: Jeff Washington, Deputy Director, Facilities
Financing
FROM: C. M. Fitzpatrick, Assistant City Attorney
SUBJECT: Ordinance Establishing The Housing Trust
Fund;

Effective Date to Commence Collection of Impact Fees;
Projects Affected

Your memorandum of April 24, 1990, asks two questions:

1. On what date will the requirement to commence payment of the fees called for by the ordinance become effective?
2. What projects will be subject to the fee?

In response to your first question, Section 4 of Ordinance No. O-17454 (N.S.), adopted April 16, 1990 (copy of the ordinance attached as Enclosure 1), provides that the payment of fees provided for in the ordinance shall be required prior to issuance of any permit which authorizes the commencement of construction of any type of building subject to the provisions of the ordinance on the sixtieth (60th) day from and after passage of the ordinance. The passage of the ordinance occurred on April 16, 1990. The sixtieth day from and after April 16 is June 16, 1990. Any applicable building permit which authorizes the commencement of any type of building subject to the provisions of the ordinance and is issued on or after June 16, 1990, is subject to the fees called for in the ordinance.

In response to your second question, please refer to Sections 98.0610, 98.0612, 98.0614 and 98.0616, appearing on pages 44 through 49. These are the extent of the exemptions. There is no vesting concept included in the ordinance.

JOHN W. WITT, City Attorney

By

C. M. Fitzpatrick

Assistant City Attorney

CMF:wk(x043.2)

Enclosure

cc William Schempers, Jr.

John Riess

Ed Oliva

Steve Mikelman

ML-90-58